



DEPARTMENT OF TRANSPORTATION

4910-06-P

Federal Railroad Administration

**Proposed Agency Information Collection Activities; Comment Request**

[Docket No. FRA 2013-0002-N-7]

Agency: Federal Railroad Administration, DOT.

Action: Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

**DATES:** Comments must be received no later than [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 17, Washington, DC 20590, or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number \_\_\_\_\_."

Alternatively, comments may be transmitted via facsimile to (202) 493-6216 or (202) 493-6497, or via e-mail to Mr. Brogan at [Robert.Brogan@dot.gov](mailto:Robert.Brogan@dot.gov), or to Ms. Toone at

Kim.Toone@dot.gov. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., SE, Mail Stop 35, Washington, D.C. 20590 (telephone: (202) 493-6132). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:**

The Paperwork Reduction Act of 1995 (PRA), Pub. L. No. 104-13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on

the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(I)-(iv); 5 CFR 1320.8(d)(1)(I)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a “user friendly” format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below are brief summaries of three currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

*Title:* Stencilling Reporting Mark on Freight Cars

*OMB Control Number:* 2130-0520

*Abstract:* Title 49, Section 215.301 of the Code of Federal Regulations, sets forth certain requirements that must be followed by railroad carriers and private car owners relative to identification marks on railroad equipment. FRA, railroads, and the public refer to the stencilling to identify freight cars.

*Form Number(s):* N/A

*Affected Public:* Businesses

*Frequency of Submission:* On occasion

*Respondent Universe:* 728 railroads

*Total Estimated Responses:* 25,000 stencilled/repainted freight cars

*Total Estimated Annual Burden:* 18,750 hours

*Status:* Regular Review

*OMB Control Number:* 2130-0523

*Title:* Rear-End Marking Devices

*Type of Request:* Extension of a currently approved collection

*Affected Public:* Businesses

*Form Number(s):* N/A

*Abstract:* The collection of information is set forth under 49 CFR Part 221 which requires railroads to furnish a detailed description of the type of marking device to be used for the trailing end of rear cars in order to ensure rear cars meet minimum standards for visibility and display. Railroads are required to furnish a certification that the device has been tested in accordance with current "Guidelines For Testing of Rear End Marking Devices." Additionally, railroads are required to furnish detailed test records which include the testing organizations, description of tests, number of samples tested, and the test results in order to demonstrate compliance with the performance standard.

*Respondent Universe:* 728 railroads

*Frequency of Submission:* On occasion

*Total Estimated Responses:* 4

*Total Estimated Annual Burden:* 39 hours

*Status:* Regular Review

*Title:* Locomotive Certification (Noise Compliance Regulations)

*OMB Control Number:* 2130-0527

*Type of Request:* Extension of a currently approved collection

*Affected Public:* Businesses

*Form Number(s):* N/A

*Abstract:* Part 210 of title 49 of the United States Code of Federal Regulations (CFR) pertains to FRA's noise enforcement procedures which encompass rail yard noise source standards published by the Environmental Protection Agency (EPA). EPA has the authority to set these standards under the Noise Control Act of 1972. The information collected by FRA under Part 210 is necessary to ensure compliance with EPA noise standards for new locomotives.

*Respondent Universe:* 2 Locomotive Manufacturers

*Frequency of Submission:* On occasion

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours
210.27 - New Loco. Certification - Requests for Information - Identification of Locomotives	4 Locomotive Manufacturers	4 requests	30 minutes	2 hours
	4 Locomotive Manufacturers	790 badges/plates	30 minutes	395 hours
210.31 - Operation Standards – Measurement of Loco. Noise Emissions	4 Locomotive Manufacturers	790 recorded measurements	3 hours	2,370 hours

*Total Estimated Responses:* 1,582

*Total Estimated Annual Burden:* 2,767 hours

*Status:* Regular Review

*Title:* Grade Crossing Signal System Safety Regulations

*OMB Control Number:* 2130-0534

*Abstract:* FRA believes that highway-rail grade crossing (grade crossing) accidents resulting from warning system failures can be reduced. Motorists lose faith in warning systems that constantly warn of an oncoming train when none is present. Therefore, the fail-safe feature of a warning system loses its effectiveness if the system is not repaired within a reasonable period of time. A greater risk of an accident is present when a warning system fails to activate as a train approaches a grade crossing. FRA's regulations require railroads to take specific responses in the event of an activation failure. FRA uses the information to develop better solutions to the problems of grade crossing device malfunctions. With this information, FRA is able to correlate accident data and equipment malfunctions with the types of circuits and age of equipment. FRA can then identify the causes of grade crossing system failures and investigate them to determine whether periodic maintenance, inspection, and testing standards are effective. FRA also uses the information collected to alert railroad employees and appropriate highway traffic authorities of warning system malfunctions so that they can take the necessary measures to protect motorists and railroad workers at the grade crossing until repairs have been made.

*Form Number(s):* FRA F 6180.83

*Affected Public:* Businesses

*Frequency of Submission:* On occasion; record keeping

*Reporting Burden:*

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours
234.7-Telephone Notification	728 railroads	8 phone calls	15 minutes	2 hours
234.9-Grade crossing signal system failure reports	728 railroads	600 reports	15 minutes	150 hours
234.105.106/107- Notification to train crew and highway traffic control authority	728 railroads	24,000 notifications	15 minutes	6,000 hours
234.109-Record Keeping	728 railroads	12,000 records	10 minutes	2,000 hours

*Total Estimated Responses: 36,608*

*Total Estimated Annual Burden: 8,152 hours*

*Status: Regular Review*

*OMB Control Number: 2130-0535*

*Type of Request: Extension of a currently approved collection*

*Affected Public: Businesses*

*Form Number(s): N/A*

*Abstract:* Section 20139 of Title 49 of the United States Code required FRA to issue rules, regulations, orders, and standards for the safety of maintenance-of-way employees on railroad bridges, including for “bridge safety equipment” such as nets, walkways, handrails, and safety lines, and requirements for the use of vessels when work is performed on bridges located over bodies of water. FRA has added 49 CFR Part 214 to establish minimum workplace safety standards for railroad employees as they apply to railroad bridges. Specifically, section

214.15(c) establishes standards and practices for safety net systems. Safety nets and net installations are to be drop-tested at the job site after initial installation and before being used as a fall-protection system; after major repairs; and at six-month intervals if left at one site.

If a drop-test is not feasible and is not performed, then a written certification must be made by the railroad or railroad contractor, or a designated certified person, that the net does comply with the safety standards of this section. FRA and State inspectors use the information to enforce Federal regulations. The information that is maintained at the job site promotes safe bridge worker practices.

*Frequency of Submission:* On occasion

*Total Estimated Responses:* 6

*Total Estimated Annual Burden:* 1 hour

*Status:* Regular Review

*Title:* Railroad Police Officers

*OMB Control Number:* 2130-0537

*Type of Request:* Extension of a currently approved collection.

*Affected Public:* Railroads and States

*Form(s):* None

*Abstract:* Under 49 CFR Part 207, railroads are required to notify states of all designated police officers who are discharging their duties outside of their respective jurisdictions. This requirement is necessary to verify proper police authority.

*Total Estimated Responses:* 70

*Total Annual Estimated Burden Hours:* 181 hours



*Status:* Regular Review

*Title:* Foreign Railroads' Foreign-Based (FRFB) Employees Who Perform Train or Dispatching Service in the United States

*OMB Control Number:* 2130-0555

*Abstract:* The collection of information is used by FRA to determine compliance of FRFB train and dispatching service employees and their employers with the prohibition against the abuse of alcohol and controlled substances. Because of the increase in cross-border train operations and the increased risk posed to the safety of train operations in the United States, FRA seeks to apply all of the requirements of 49 CFR 219 to FRFB train and dispatching service employees. The basic information – evidence of unauthorized use of drugs and alcohol – is used by FRA to help prevent accidents/incidents by screening FRFB who perform safety-sensitive functions for unauthorized drug or alcohol use. FRFB train and dispatching service employees testing positive for unauthorized use of alcohol and drugs are removed from service, thereby enhancing safety and serving as a deterrent to other FRFB train and dispatching service employees who might be tempted to engage in the unauthorized use of drugs or alcohol.

*Form Number(s):* None

*Respondent Universe:* 2 Railroads

*Frequency of Submission:* On occasion

*Affected Public:* Foreign-Based Railroads and Their Employees

*Reporting Burden:*

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours
219.4 - Recognition of Foreign Railroads' Workplace Testing Programs: Petitions to Agency - Comments on Petition	2 railroads	1 petition	10 hours	10 hours
	2 railroads/public	2 comments + 2 comment copies	2 hours	4 hours
219.403/405 - Evaluation by Substance Abuse Professional	2 railroads	3 reports/referrals	2 hours	6 hours
219.405(c)(1) - Report by a Co-worker	2 railroads	1 report	5 minutes	.08 hour
219.609 - Notice by Employee Asking to be Excused from Random Alcohol Testing	200 employees	2 excuses	15 minutes	.5 hour
219.903 - Retention of Urine Drug Testing Records	2 railroads	80 records	5 minutes	7 hours

*Total Responses: 91*

*Total Estimated Total Annual Burden: 28 hours*

*Type of Request: Extension of a Currently Approved Collection*

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501-3520.

Issued in Washington, DC on March 21, 2013\_\_\_\_\_.

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Rebecca Pennington  
Chief Financial Officer  
Federal Railroad Administration

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